

GROUND eight Ineffective assistance of counsel: Defense

Attorney failed to raise issue of prosecutor's failure to disclose under Rule 16 on direct appeal

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Mr. Brady failed to raise the State's failure to disclose  
statements under Rule on direct appeal after being asked  
by the defendant to raise the issue.

(b) If you did not exhaust your state remedies on Ground eight, explain why: n/a

(c) Direct Appeal of Ground eight

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why: Ineffective  
assistance of counsel cannot be raised on direct appeal

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court? Yes ☒ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: Post-Conviction Motion

Name and location of the court where the motion or petition was filed: Superior Court of  
the State of Delaware, Sussex County, Georgetown, De. 19847

Docket or case number (if you know): 0202007080

Date of the court's decision: April 13, 2005

Result (attach a copy of the court's opinion or order, if available): Conviction and  
Sentence affirmed

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion or petition?

Yes ☒ No ☐

Attachment "6"